

MEETINGS TO DATE 4
NO. OF REGULARS 3
NO. OF SPECIALS 1

LANCASTER, NEW YORK
FEBRUARY 11, 1974

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York, on the 11th day of February, 1974 at 8:00 P.M. and there were

PRESENT: LEO N. WEIMER, SUPERVISOR
JOSEPH R. BARNHARDT, COUNCILMAN
EDWARD A. BERENT, COUNCILMAN
PETER J. BOLENDER, COUNCILMAN
ARTEL J. METZ, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
DOMINIC J. TERRANOVA, TOWN ATTORNEY
TIMOTHY J. DWAN, DEPUTY TOWN ATTORNEY
EDWARD J. FERON, JR., TOWN ENGINEER
VICTOR H. OTT, POLICE CHIEF
JOHN M. COSTELLO, ASSESSOR III

At 8:00 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the proposed rezone of certain premises and area on the north side of Walden Avenue between Pavement Road and Ransom Road from an RC, Residence-Restricted Business District and an SA, Suburban Agricultural District to a M1, Light Industrial District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner and the Erie County Department of Planning notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows:

3. Form ZP-3, Comment on Proposed Zoning Action is attached hereto.

Based on the information received.

The Erie County Division of Planning has no objection to this request from a zoning standpoint.

The Erie County Health Department has reviewed this request and reports that the project is located outside existing public sanitary sewer districts. Developer must submit plans showing sewage disposal and water supply for the project to the County Health Department. These plans must be approved prior to development of the project.

The Town Clerk presented a letter from Tryon and Schwartz, retained consultants of the Town of Lancaster, to the Planning Board recommending a favorable review of this proposed rezone.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPONENTS:

Mr. Ward Sievenpiper, President
Doralco Inc.

ADDRESS

3440 Home Road
Alden, New York 14004

OPPONENTS:ADDRESS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BERENT AND CARRIED, by unanimous roll call vote, the Public Hearing was closed at 8:09 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter until their next meeting scheduled for February 18, 1974.

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M. the Town Board held a Public Hearing to hear all interested parties and citizens for or against the proposed Map Change of certain premises on the north side of Walden Avenue between Pavement Road and Ransom Road from an RC, Residence-Restricted Business District and an SA, Suburban Agricultural District to a MI, Light Industrial District.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented a copy of a letter which was mailed Certified Mail, Return Receipt Requested to the Erie County Department of Planning notifying them of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledge receipt of a Notice of this Public Hearing and commented as follows:

3. Form ZR-3, Comment on Proposed Zoning Action, is attached hereto.

Based on the information received.

The Erie County Division of Planning has no objection to this request from a zoning standpoint.

The Erie County Health Department has reviewed this request and reports that the project is located outside existing public sanitary sewer districts. Developer must submit plans showing sewage disposal and water supply for the project to the County Health Department. These plans must be approved prior to development of the project.

The Town Clerk presented a letter from Tryon and Schwartz, retained consultants of the Town of Lancaster, to the Planning Board recommending a favorable review of this proposed rezone.

The Town Clerk presented a letter from the Town of Lancaster Planning Board to the Town Board recommending approval of the proposed rezone.

PROPOSERS:ADDRESS

None

OPPOSERS:ADDRESS

None

ON MOTION BY COUNCILMAN BOLENDER, AND SECONDED BY COUNCILMAN.METZ
AND CARRIED, by unanimous roll call vote, the Public Hearing was closed
at 8:20 P.M.

The Supervisor informed those present that the Town Board would
reserve decision on this matter until their next meeting scheduled for
February 18, 1974.

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town
of Lancaster have filed with him their Monthly Reports as follows:

<u>DEPARTMENT</u>	<u>MONTH OR MONTHS OF</u>
Town Clerk	January, 1974
Building Inspector	January, 1974
Dog Warden	January, 1974
Ambulance	January, 1974

The Town Clerk reported that the following Board and Commission of
the Town of Lancaster have filed with him minutes or memorandums of their
meetings as follows:

Planning Board	January 16, 1974 Meeting #2
Recreation Commission	January 16, 1974

COMMITTEE REPORTS:

None

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held on January 21, 1974, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~and~~
The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Superintendent of Highways of the Town of Lancaster will require certain materials and supplies for the operation of his Department during the year 1974 which may reasonably be expected to exceed the sum of \$1,500.00, and

WHEREAS, It is in the public interest that sealed bids for the purchase of such supplies and materials be invited,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk advertise for bids to be received by the Town Board of the Town of Lancaster at the Town Hall, 21 Central Avenue, Lancaster, New York, until 8:00 o'clock P.M., Eastern Daylight Time, on the 4th day of March, 1974, for the purchase of road oil, crushed stone, blacktop, grit, gravel, slurry seal, cinders and redi-mix concrete and that advertisement for bids be published in the Lancaster Enterprise-Journal on February 14, 1974, and posted on the Town Bulletin Board, which Notice shall be in the following form:

LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF LANCASTER
HIGHWAY DEPARTMENT
LANCASTER, NEW YORK

Sealed bids will be received and publicly opened by the Town Board of the Town of Lancaster at 8:00 o'clock P.M., Eastern Daylight Time, March 4, 1974, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the following materials: road oil, crushed stone, blacktop, grit, gravel, slurry seal, cinders and redi-mix concrete.

Specifications for each of the above named materials are on file with and may be obtained from either the Highway Superintendent of the Town of Lancaster, 3789 Walden Avenue, Lancaster, New York, or the Town Clerk of the Town of Lancaster, 21 Central Avenue, Lancaster, New York.

The contract for the purchase of the above items will be awarded to the lowest responsible bidder. In cases where two or more responsible bidders submit identical bids as to price, the Town Board may award the contract to either of such bidders. The Town Board may reject all bids and readvertise for new bids at its discretion.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: ROBERT P. THILL
Town Clerk

February 11, 1974

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~only~~
The resolution was thereupon unanimously adopted.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, it is the recommendation of the Finance Committee of the
Town Board of the Town of Lancaster to invest a portion of the funds of the
Town of Lancaster, and

WHEREAS, it has been determined by said Finance Committee that
there are moneys available for temporary deposit or investment not needed
for immediate expenditure, and

WHEREAS, Clarence Rainess & Company, the Town Accountants, have
submitted a schedule of recommended investments for the year 1974,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized, without
further authority of the Town Board, to deposit or invest for varying periods
of time and in substantial accordance with the recommendation of the Town
Accountants, so much of the funds of the Town of Lancaster in all of its
accounts for specific periods of time and at such rates of interest which,
in his discretion and at such times at which it is deemed advisable, may seem
just and proper, and

BE IT FURTHER

RESOLVED, that the first such investment or deposit of funds shall
be made on or about February 15, 1974.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, the Town of Lancaster has heretofore received a Department of Housing and Urban Development advance in the sum of \$37,500.00 for preliminary planning for construction of a storm water drainage sewer system, and

WHEREAS, the Town of Lancaster has utilized said preliminary plan for construction of storm water drainage sewer system in the development of certain portions of the Town of Lancaster, and

WHEREAS, the terms of the agreement for said advance provided for repayment of said advance when required to do so, and

WHEREAS, it has been agreed between the Department of Housing and Urban Development and the Town of Lancaster that said advance in the sum of \$37,500.00 shall be repaid over a period of ten years at a sum of \$3750.00 per year,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes repayment of Housing and Urban Development grant, under Project No. P-NY-3224 in the amount of \$37,500.00, at the rate of \$3750.00 per year for ten years, commencing with 1974.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~copy~~
The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has recommended
the appointment of two individuals to the Reserve Volunteer Ambulance Corps,

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and hereby are appointed
to the Reserve Volunteer Ambulance Corps of the Town of Lancaster, effective
February 12, 1974, at an annual salary of \$1.00 each:

Ronald J. Oley, 2017 Como Park Blvd., Lancaster, N.Y.
John L. Myers, 25 St. Joseph Street, Lancaster, N.Y.

and

BE IT FURTHER

RESOLVED, that the Town Clerk be and hereby is authorized and directed
to take whatever action necessary with the United States Fidelity and Guaranty
Company to provide Workmen's Compensation Insurance to cover the foregoing
members of the Town of Lancaster Reserve Volunteer Ambulance Corps.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~
The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the Supervisor and the Town Accountant have recommended
the establishment of a capital fund account for all capital expenditures,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and
directed to open a capital fund account at the Manufacturers & Traders Trust
Company, Lancaster Branch, for the purpose of providing accounting of all
capital expenditures.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

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The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT, TO WIT:

WHEREAS, by resolution of January 1, 1974, authorization was given
by the Town Board to the Chief of Police to purchase three (3) new 1974
Plymouth police vehicles at state bid price approved by the New York State
Office of General Services from Union Chrysler-Plymouth, Inc., and

WHEREAS, since said authorization was given for said purchase,
Union Chrysler-Plymouth, Inc. no longer has the contract to furnish vehicles
at state bid price,

NOW, THEREFORE, BE IT

RESOLVED, that the resolution of the Town Board of January 1, 1974,
authorizing the purchase of three (3) new 1974 Plymouth police vehicles and
authorizing a transfer of funds to accomplish said purchase, be and hereby
is rescinded.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~
The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested authorization for the purchase of three (3) new 1974 Dodge police vehicles at state bid price approved by the New York State Office of General Services from Transitowne Dodge for the total sum of \$9255.30,

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police of the Town of Lancaster be and hereby is authorized to purchase, for the use of the Police Department of the Town of Lancaster, three (3) new 1974 Dodge police vehicles from Transitowne Dodge for the total sum of \$9255.30, and

BE IT FURTHER

RESOLVED, that the Supervisor transfer the sum of \$2205.30 from the 1974 General Fund Account Contingent Purposes to the General Fund Police Department Account Automotive, and

BE IT FURTHER

RESOLVED, that the Chief of Police be authorized to expend the sum of \$450.00 for the transfer of two-way radios, lights, sirens and other emergency equipment from the present police vehicles to the new vehicles upon delivery thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxxy~~

The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN BOLENDER, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered
paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 87 to 164 Incl.	\$ 71,512.99
Special District Funds	No. 9 to 11 Incl.	5,102.93
Part Town Funds	No. 7 to 13 Incl.	1,676.96
Highway Funds	No. 30 to 46 Incl.	115,978.44
Trust & Agency Funds	No. 5 to 6 Incl.	18,909.05

The question of the adoption of the foregoing resolution was duly put
to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT	VOTED	YES
COUNCILMAN BERENT	VOTED	YES
COUNCILMAN BOLENDER	VOTED	YES
COUNCILMAN METZ	VOTED	YES
SUPERVISOR WEIMER	VOTED	YES

~~xxx~~

The resolution was thereupon unanimously adopted.

February 11, 1974

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCILMAN METZ, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCILMAN
BOLENDER, TO WIT:

RESOLVED, that the following Building Permit Applications be and are
hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
3	Paul Stephan	6355 Broadway	INSTALL STL. GAS TANKS
4	Fleischmann Service	Harris Hill Road and Genesee Street	REPAIR & REPLACE STL. GAS TANKS
5	Josela Enterprises, Inc.	4845 Transt Road	ER. FR. BR. VEN. APT.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
COUNCILMAN METZ VOTED YES
SUPERVISOR WEIMER VOTED YES

~~and~~
The resolution was thereupon unanimously adopted.

February 11, 1974

STATUS REPORTS ON UNFINISHED BUSINESS:1. Traffic Study - Walden Avenue

On January 14, 1974 the Deputy County Commissioner of Highways advised the Town Board that the recommended uniform speed for Walden Avenue is 45 m.p.h. and requested that the Town Board indicate their agreement with this uniform limit.

2. Rezone Petition - Ralph Figlow - Aurora Street

On October 16, 1972, after a Public Hearing, this matter was referred back to the Planning Board for review and report to the Town Board.

3. Cayuga Creek Flood Program

On May 11, 1973 the Army Corps of Engineers notified the Town Board that they had completed their field inspection and that they are preparing a report which is scheduled to be completed by September, 1973.

4. Tax Abatement - Police Services - County Sheriff's Department

On September 27, 1973 the Assistant County Attorney transmitted to the Town of Lancaster a copy of the most recent Comptroller's opinions relative to this type of tax abatement.

The Town Attorney was directed to review the opinions and report back to the Town Board.

5. Rezone Petition - Doralco, Inc. - Walden Avenue

On February 11, 1974 the Town Board held a Public Hearing on this rezone petition and reserved decision until their next regular meeting.

6. Traffic Study - Reduced Speed - Bowen Road

On January 8, 1974 the New York State Department of Transportation acknowledged receipt of the towns request for a reduced speed limit and indicated a study will be conducted as their caseload permits.

7. Rezone Petition - John and Clementine Golaszewski - Transit Road

On January 21, 1974 this petition was presented to the Town Board and referred to the Planning Board for review and report.

8. Rezone Petition - Planning Board Recommendation - 70 Foot Strip - Walden Avenue

On February 11, 1974 a Public Hearing was held on this petition and the Town Board reserved decision until its next meeting.

9. Traffic Study - Signalization - Bowen and William - Walden and Ransom

On January 14, 1974 the County Deputy Commissioner of Highways reported that the traffic study of these two (2) locations indicated a need for a traffic control device at both locations.

10. Permit Application - Lancaster Sanitary Land Fill

On January 21, 1974 this petition was presented to the Town Board and referred to the Planning Board and Environmental Conservation Commission for study and report.

PERSONS DESIRING TO ADDRESS THE TOWN BOARD:

Mr. Donald Diebold, 2 Elm Place, Lancaster, New York, asked the Supervisor how much Sewer District #4 will cost the taxpayers of the Town of Lancaster.

The Supervisor and Councilman Barnhardt informed Mr. Diebold that there are no firm cost figures available at the present time.

COMMUNICATIONS:DISPOSITION

- | | |
|---|---|
| 48. Town Clerk to Town Board -
Resume of actions taken in response to
resolutions and directions - Meeting of
January 21, 1974. | R & F |
| 49. Highway Supt. to Town Board -
Notification - Delivery of Hi-Way Model-H
Truck and Dump Body Spreader from P-D
Service, Inc. | R & F |
| 50. Town Clerk to Fire Presidents -
Request Organization Meeting for Monday,
February 25, 1974 at Town Hall. | Fire Committee |
| 51. N.Y.S. Dept. of Environmental Conservation to
Town Clerk -
Transmittal - "Notice of Application" of
Charles H. Kolb for permit to remove gravel
from Cayuga Creek east of Bowen Road. | Env. Cons. Comm. Sec y. |
| 52. Burns International Security Service, Inc. to
Town Clerk -
Transmittal - Literature for security. | Building Committee |
| 53. Chief Ott, Chief Huber, and Chief Wenzka to
Town Board -
Notification - Joint adoption by Police
Departments to forestall delay in police
response to emergency calls. | R & F
Police Committee |
| 54. Recreation Commission to Town Board -
Request - Transfer of Funds. | Supervisor |
| 55. Legislator Bennett to County Executive Regan -
Re: Snow Removal and reimbursement of
rates and contracts agreed to - Cost of
fuel. | Highway Committee |
| 56. Chief Ott to Town Board -
Transmittal - Applications of Ronald J.
Oley and John L. Myers for membership in
Reserve Volunteer Ambulance Corps. | R & F |
| 57. M & T Trust Co. to Supervisor -
Acknowledge appreciation of 40 years of
service with Town. | R & F |
| 58. Supervisor to Town Board -
Notification - Investment of \$192,422.22
at M & T expiring on July 18, 1974 for
interest earning of \$7,577.78. | R & F |
| 59. Arthur Levitt to Local Officials -
Re: Public Hearing on state wide Real
Property tax administration. | Assessors
Receiver of Taxes
Town Attorney |
| 60. Town Line Vol. Fire Dept., Inc. to Town
Board -
Invitation to attend Open House and
Dedication on March 24th. | R & F |
| 61. Chief Ott to Town Board -
Request authorization to purchase three
(3) new 1974 police vehicles from
Transitown Dodge. | R & F |

ADJOURNMENT:

ON MOTION OF COUNCILMAN BOLENDER, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 8:32 P.M. out of respect to:

RODNEY LANGE

MARY A. KELLEHER

Robert P. Thill
Town Clerk